

TAKING SOME OF THE MYSTERY OUT OF OMISSIONS

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Philosophers often talk of acts of omission, but such talk is immediately puzzling; for omissions (of all sorts) appear to be paradigms of not-doing rather than doing, even though no omission is merely a not-doing. But, as I shall seek to show, although talk of acts of omission is frequently misleading, it is not altogether inappropriate and is not to be eschewed, as some would argue.¹

My purpose in this paper is to provide an analysis of two concepts which I shall express by means of the phrases 'omit (to do)' and 'intentionally omit (to do)'.² These two concepts are germane to action theory, even though relatively little attention has been paid to their analysis. Interest in providing an adequate account of omissions has recently risen, however, due to a rise in interest in such ethical and legal matters as killing versus letting die, Good Samaritanism, and so on— matters whose resolution is taken to be dependent upon a proper account of omissions.

Providing an analysis of a concept (and by that I mean providing an informative set of conditions both individually necessary and jointly sufficient for the proper application of the concept in question), though one of the primary means of clarifying a concept, is often hampered when the term used to express the concept is ambiguous. For then singling out the concept to be analyzed proves difficult. Now, there is no doubt that 'omit' and its cognates are ambiguous, but this ambiguity is, I believe, systematic. That is, first, all senses of 'omit' (and its cognates) appear to presuppose a distinction between omitting to do something and simply not doing it and, second, there appears to be a broad sense of 'omit' upon which more restrictive senses are based. In this paper I shall focus much of my attention on the broad sense of 'omit'; it is the concept expressed by this sense of 'omit' which will be the subject of analysis. How to analyze concepts expressed by more restrictive uses of 'omit' will also be indicated. In addition, I shall treat the term 'intentionally omit' in similar fashion; that is, I shall seek to provide an analysis of its broadest sense and also indicate how more restrictive senses may be analyzed.

Some philosophers have seized upon the distinction just mentioned between omitting to do something and simply not doing it and pronounced omissions to be 'negative actions', a sort of hybrid of doing and not-doing. For instance, in a recent article on Good Samaritanism John Kleinig claims that omissions can be said to be things that are done and calls them 'active nondos'.³ Also, Arthur Danto distinguishes between not doing a and doing not-a and calls the latter forbearing'.⁴ But talk of negative actions or active nondos is certainly odd. It is in fact not at all clear, either, what it means to prefix 'not' to a singular term 'a', since negation is traditionally applied to propositions.⁵ One way to try to avoid this problem concerning negation is to change from talk about 'doing a' to talk about 'bringing about p', where 'p' ranges over propositions. It seems that we may quite sensibly talk of bringing about not-p.⁶ But the question then arises: do all omissions involve the bringing about of the negation of a proposition? I think that it will be seen that this is not the case—at least with respect to that sense of 'omit' with which I am dealing here and which I take to be involved in much of the discussion of ethical and legal matters of the sort mentioned earlier. Nevertheless, I shall try to make sense of the locution 'act of omission'.

The elusiveness of the concept of omission has apparently prompted certain prominent action theorists to ignore the concept altogether.' Nevertheless, there have been several attempts in the literature to provide adequate analyses of the concepts of omission and intentional omission. I shall discuss some of these later, once my own proposed analyses have been provided. My immediate concern is with providing my own analyses. Now, it might seem that a natural way to proceed at this point would be to attempt first to analyze the (basic) concept of omission in general and then to analyze the (basic) concept of intentional omission in particular. But the ambiguity of 'omit' previously noted renders this task extremely difficult, in that it proves not at all easy to make sure, in the absence of an account of intentional omission, that one has accounted for the broadest of those senses of 'omit' consonant with the distinction required between omission and mere not-doing. It is easier, I think, to tackle the analyses in reverse order, and so my strategy will be this. I shall consider what seems to be a relatively clear-cut case of a situation in which it is quite proper to ascribe an intentional omission to an agent and then I shall seek to discern its fundamental features. On the basis of this I shall propose an analysis of the concept of intentional omission in question, and then, on this basis, I shall provide an analysis of that concept of omission with which I am in general concerned here.

This is the relatively clear-cut case. Last week Smith was sitting in a rocking-chair on his porch and a car accident occurred in the street right outside his house. He witnessed the accident and debated whether or not to go to the aid of the victims. Not wanting to disturb himself, and oblivious of his moral obligations, he decided to remain where he was, knowing full well that he could go to the victims' aid but that, in remaining seated, he would not, indeed could not, go to their aid. The upshot was that Smith callously continued to rock in his chair and the victims went unaided.

I think that it is clear that Smith intentionally omitted to go to the victims' aid. The case, so described, surely warrants this claim. But what aspects of the case are necessary for Smith's intentional omission? This is a tricky question and, while I readily acknowledge that some of the claims that follow are not conclusively argued, I suggest that they are all true.

First, Smith did not go to the aid of the victims. This is obviously a necessary condition of his intentionally omitting to go to their aid. Second, he debated going to their aid. Such debate is, I submit, not necessary for the intentional omission to act, although some measure of awareness or consideration of what one intentionally omits to do surely is. That is, had Smith not debated whether or not to go to the victims' aid but merely considered or been aware of his not going, we would not, I think, be required to retract our ascription of an intentional omission to him—so long, of course, as certain other conditions also obtained. Third, Smith debated remaining where he was. Again, such debate is, I believe, dispensable, although some measure of awareness of what one intentionally does is required. Fourth, Smith could have gone to the victims' aid. This is, I think, indispensable, although someone might object to this as follows. Suppose that, unbeknownst to him, Smith had been secured to his rocking-chair in such a fashion that, had he decided to go to the victims' aid, he would have found himself unable to do so. Would it not then still be appropriate to say that he intentionally omitted to go to their aid? I think not. It would be better to say in such a case that he omitted to try to go to their aid but that, because he in fact could not go to their aid, he did not actually omit to go to their aid. Fifth, Smith knew that he could go to the victims' aid. I suggest that such knowledge is not necessary for one's intentionally omitting to do something, but that some measure of belief (and hence, given the fourth point, true belief) is necessary.⁸ (How strong such a belief must be is a matter that I shall leave entirely to one side.) Sixth, Smith knew that he could not both remain where he was and go to the victims' aid. Again, such knowledge of alternatives is, I think, not required, although Smith's truly believing that there were such alternatives is required. Seventh, Smith did not want to go to the victims' aid. Such lack of desire is not required. Suppose that Smith's daughter had been kidnapped and he felt that he must stay near the telephone next to his rocking-chair. He might very much have wanted to go to the victims' aid but, desiring even more to hear from the kidnappers, he intentionally omitted to go to their aid. Eighth, Smith intended not to go to the victims' aid. This is surely indispensable. Notice that Smith apparently also omitted to go to get a drink of water. Perhaps he had considered doing this as a third alternative. But if, when remaining seated, it was not his intention not to go and get a drink of water, he cannot

be said to have intentionally omitted doing so then. Ninth, Smith intentionally remained where he was. This is not required, although something of its kind is. Suppose that, instead of remaining seated, Smith intentionally went to get that drink of water; then he would still have intentionally omitted to go to the victims' aid. So Smith's remaining seated is not required; still, some intentional action on his part is.⁹ Tenth, Smith is to be blamed for not going to the victims' aid. This is not required for the intentional omission to act. Many intentional omissions, such as Smith's, are morally reprehensible. But many are not. Suppose, once again, that Smith's daughter had been kidnapped and also that he had noticed that many other, apparently unhindered persons had witnessed the accident. It might well be that, in this case, Smith's not going to the victims' aid is not reprehensible; yet he would still, I think, be properly said to have intentionally omitted to go to their aid.

The foregoing ruminations could doubtless be refined. Nevertheless, on their strength, I shall now propose an analysis of the relevant concept of intentional omission. For no necessary condition of the intentional omission to act has gone unmentioned, I believe, unless it be one (such as the condition that the agent exist) which is entailed by one already mentioned. The analysis is basically this: in the broadest sense of 'intentionally omit', intentionally omitting to do something is intentionally not doing something that one can do.¹⁰ But this requires unpacking. In what follows, the sort of belief at issue is occurrent belief and the sort of 'can' at issue is that which may be roughly characterized by the statement that a person can perform an action if and only if he has the ability and the opportunity to perform it.¹¹ The analysis, in greater detail, is this:

- (IO) *S* intentionally omits at *t* to do *a* at *t* if and only if there is an act *b* such that:
 - (i) *S* can at *t* do each of, but not both of, *a* and *b* at *t*;
 - (ii) *S* believes at *t* that he can at *t* do each of, but not both of, *a* and *b* at *t*;
 - (iii) *S* intends at *t* that he not do *a* at *t*; and
 - (iv) *S* intentionally does *b* at *t*.

According to (IO), then, the important features of the Smith case are that Smith could have gone to the aid of the victims and also remained where he was, but he could not have done both; that he believed this; that he intended not to go to the victims' aid; and that he intentionally remained seated where he was. Note, of course, that (i) and (iv) of (IO) jointly imply that *S* does not do *a* at *t*. I shall refrain from explicitly stating further implications of (IO).

(IO)'s acceptability granted, the next task is to provide an analysis of the relevant concept of omission in general. This task is now facilitated by taking note of two important points. First, it is necessarily true that, if (in the basic sense) *S* intentionally omits to do *a*, then (in the basic sense) he omits to do *a*; second, it is not necessarily true that, if (in the basic sense) *S* omits to do *a*, then (in the basic sense) he intentionally omits to do *a*. So our task is essentially one of whittling away at clauses (i) through (iv) of (IO).

One apparent instance of unintentional omission has already been cited. When Smith intentionally omitted to go to the aid of the victims of the car accident, he also omitted, but unintentionally, to go to get a drink of water. The reason why this omission was said to be unintentional was that Smith did not intend not to go and get a drink of water. So clause (iii) of (IO) may now be dropped. Similarly, clause (iv) may also be dropped. Suppose Smith had not intentionally done anything; suppose he had been so nervous that he could not make up his mind what to do. Then, not only did he not intentionally do anything other than going to the victims' aid, but it seems he did nothing at all. Still, he omitted to go to the victims' aid; he omitted to go to get a drink of water; and so on. What of clause (ii)? Need it be the case that Smith believed he could go to the victims' aid? No; perhaps his indecision was a function not so much of nervousness but of a complete lack of confidence in his capabilities. Still, he can truthfully be said to have omitted to go to the victims' aid, it seems to me, just so long as he could have gone but did not. In fact, it is this simple fact concerning 'can' that in general seems to separate omissions,

in the broadest sense of 'omit', from mere not- doings. (It need not even be the case, though perhaps it usually is the case, that there be some alternative act *b* that the agent can or does perform. This point was just made concerning indecision as to what to do.) That is, as an analysis of the relevant concept of omission in general, I propose the following:

- (O) *S* omits at *t* to do *a* at *t* if and only if
- (i) *S* can at *t* do *a* at *t*; and
- (ii) *S* does not do *a* at *t*.

No doubt most omissions are not as 'bare' as (O) indicates they can be. Most cases of omitting to do *a*, for instance, may well involve doing some other act *b*; but all that (O) says is that there is a sense (and, I would add, an important and common sense) of 'omit' according to which omitting to do something *a* does not require doing something else *b*. Nevertheless, it may strike some that (O) allows omissions to be too 'bare', that it stretches the term 'omit' beyond even its broadest sense and thereby admits too many not-doings into the class of omissions. Some, for instance, may prefer to stipulate that a not-doing, to be an omission, must be in some way 'untoward', that it must 'stand out' in some way. But, although I have some sympathy with this, there are two problems with making such a stipulation. The first problem is that it would seem to be too strong; for instance, as argued earlier, although Smith's not going to the victims' aid was in fact morally reprehensible, the case could have been altered so that his inaction would have been seen still to be a case of intentional omission even though not morally reprehensible. The second problem is that it seems extremely difficult to make precise the requirement that the inaction be untoward. Perhaps the requirement can be understood in terms of some long disjunction such as '*S*'s not doing *a* at *t* is either morally reprehensible or contravenes some law or is not to be expected or would not be expected of *S* if he were normal or . . . (and so on)', but I for one certainly do not know how this disjunction is to be spelled out in detail. Indeed, I am not at all sure that it is required anyway. May we not simply say that some omissions are untoward and some not, and that it is only the former which are wont to engage our attention? This seems very reasonable to me. Notice that untoward omissions are of course still omissions on this account, while no toward not-doings would be omissions on the stricter account. Moreover, while there seems to be a sense of 'omit' according to which an omission fails to satisfy the stricter account, there seems to be no recognized sense of 'omit' according to which an omission fails to satisfy (O).

Even this last statement may appear too strong, however. For it seems to be true not only that Smith omitted to go to the aid of the victims, but also that he omitted actually to aid them. But aiding them is not something he could have done at *t* (where *t* is the time of his omission to go to their aid); and so it seems that, according to clause (i) of (O), he did not omit to aid them, when in fact he did.

But clause (i) of (O) does not have this implication. Granted, it implies that Smith did not omit at *t* actually to aid the victims at *t*, but it leaves open the question whether he omitted actually to aid them altogether. This is where the double time-index comes in handy. In general, there are many actions that one can at *t* perform at some other (later) time *t'*. The point is that Smith could at *t* have gone to the victims' aid at *t'* and, all things being equal, this would have enabled him actually to aid them at a later time *t'*. So Smith could at *t* actually have aided the victims at *C*; and it is, I believe, because this is true that he may also be said to have omitted actually to aid the victim. That is to say, Smith omitted at *t* to aid the victims at *t'*; this is not to say either that Smith omitted at *t* to aid the victims at *t* or that omitted at *t'* to aid the victims at *C*. And so, generalizing on (O), we may, I think, say the following:

- (O') *S* omits at *t* to do *a* at *t'* if and only if
- (i) *S* can at *t* do *a* at *t'*; and
- (ii) *S* does not do *a* at *t'*.

Note that (O') still allows us to say (as it seems we would want to) that, for example, although I am not presently sunbathing in the Bahamas, neither am I presently omitting to sunbathe in the Bahamas—if what is meant by this is that I am not now omitting to sunbathe in the Bahamas now. Assuming that I can now go to the Bahamas and that, if I were to do so, I would soon be able to sunbathe there, (O') does commit us to saying both that I am now omitting to go to the Bahamas now and that I am now omitting to sunbathe in the Bahamas later—but both of these seem acceptable to me.¹²

(O), then, is a special case of (O'). This suggests that (JO) is a special case of some criterion (IO'). That is, it suggests that we can properly say of someone *S* that he intentionally omits at *t* to do *a* at *t'*. In order that cases where *t'* is distinct from *t* may be accommodated, a comprehensive and fairly complex formula is called for. The following is, I think, what is needed (where each of *t*^{*}, *t*^{*}, etc., is not earlier than *t* and not later than 1):

- (IO') *S* intentionally omits at *t* to do *a* at *t'* if and only if there are acts *b*₁, *b*₂,, *b*_{*n*} such that:
- (i) *S* can at *t* do each of but not all of *b*₁ at *t*, *b*₂ at *t*₁^{*},, *b*_{*n*} at *t*_{*n*-1}^{*}, and *a* at *t'*;
 - (ii) *S* believes at *t* that he can at *t* do each of but not all of *b*₁ at *t*, *b*₂ at *t*₁^{*},, *b*_{*n*} at *t*_{*n*-1}^{*}, and *a* at *t'*;
 - (iii) *S* intends at *t* that he not do *a* at *t'*; and
 - (iv) *S* intentionally does *b*₁ at *t*, *b*₂ at *t*₁^{*},, and *b*_{*n*} at *t*_{*n*-1}^{*}.

(IO') allows us, then, to say not only that Smith intentionally omitted to go to the victims' aid but also that he intentionally omitted to aid them.

Let us take stock of where we now stand. (O') and (JO') are intended to provide precise analyses of two concepts which are properly expressible in terms of 'omit' and 'intentionally omit', respectively, and which are supposed to be broad enough to serve as the basis for analyses of narrower but related concepts. It seems that they are well suited to this task. For instance, there is an important concept, which some choose to express simply in terms of 'omit', whose analysis is as follows:

- (OL') *S* omits at *t* to do *a* at *t'* if and only if
- (i) *S* can at *t* do *a* at *t'*;
 - (ii) *S* does not do *a* at *t'*; and
 - (iii) *S* is legally obligated at *t* to do *a* at *t'*.

Clause (iii) of (OL') can be appended to (IO') to form a criterion (IO'L') in order to provide an analysis of an important concept which some choose to express simply in terms of 'intentionally omit'. The pattern should be clear: the analysis of concepts more restrictive than those analyzed in (O') and (IO') may be achieved by tacking on extra clauses to the analyses of each.

Before turning to objections to (O') and (IO'), we would do well to compare them with analyses provided by others. Here I shall consider a few such analyses which are representative of those to be found in the available literature. Eric D'Arcy, for instance, contends that a person omits to perform an action if and only if he is in some way expected to perform it and yet does not perform it.¹³ In light of (O'), this appears both too weak and too strong. It is too weak in that it allows for the possibility of omitting to do something that one cannot do, and, as I have argued, this seems incorrect. It is too strong—at least, too strong for the broadest sense of 'omit'—in that it requires that the agent be subject to certain expectations. Consider the case of Jones, who is in the habit of running a mile on all and only weekday mornings and who does not run a mile on the third Sunday in April. He is not in any way expected to run that day (he is under no obligation to do so; anyone who knows him well would not expect him to do so; and so on); nevertheless, it seems correct (though possibly pedantic) to say that

he omits to run on that day. On the other hand, Michael Gorr has recently offered an analysis of a concept expressed in terms of 'omit' which is very close to (O') and runs as follows: S omits to perform a at t if and only if (i) it is not the case that S performs a at t, and (ii) S had the ability and the opportunity to perform a at t.¹⁴ My only criticism of this criterion concerns the absence of mention of times relative to S's ability and opportunity to perform a at t. The double time-index provided in (O') and (IO') is, I have urged, necessary for a precise account of omissions. For instance, it seems odd to say S omits to perform a at t', even if clauses (i) and (ii) of Gorr's criterion are satisfied, when it is also true that S is dead at t. On the other hand, S's being dead at t is clearly compatible with his omitting at some earlier time t' (when he was alive) to do a at t.

Myles Brand claims that a person refrains from performing an action a if and only if he does not perform a but performs some other action b in order that he may thereby prevent himself from performing a.¹⁵ There are problems with this. First, Brand offers his criterion as a criterion of the broadest type of not-doing which is not merely a not-doing. As such, it is considerably stronger than (O') and, in fact, much too strong. For it makes all such not-doing intentional, while it is surely possible for there to be unintentional omissions. (Standard cases of negligence, for instance, involve unintentional omissions.) Of course, 'refrain' has connotations of intentionality, and so it might be better to compare Brand's criterion with (IO'). But, once again, the criterion seems inadequate. As Douglas Walton has pointed out, if Smith gives his wife the keys to the liquor cabinet and unsuccessfully attempts to break it open two weeks later to get a glass of sherry, he can hardly be said to have refrained from drinking the glass of sherry.¹⁶ But (IO') is adequate to ruling out this case, in so far as it appears to fail to satisfy both clause (i) and clause (iv) of that criterion.

Other accounts of refraining have appeared recently (and I take refraining from doing something to be very similar to, if not the same as, intentionally omitting to do that thing). For instance, O. H. Green says that a person refrains from performing an action a if and only if he can perform a and is aware of this, but does not perform a and is aware of this.¹⁷ But, if by 'refrain' is meant what is meant by 'intentionally omit', this is surely too weak. The person concerned might simply be suffering from indecision such that, although he is aware that he can perform a and yet is not performing it, this is not due to any intentional omission on his part but merely to vacillation. So, too, Gorr says that a person intentionally omits to perform an action if and only if he omits to perform it and is aware of this.¹⁸ But this account is too weak, just as Green's is. Too weak, also, is the following account of deliberate omission provided by Roderick Chisholm: S deliberately omits to perform a if and only if S considers performing a and yet does not perform it.¹⁹ For, even if we grant that S can perform a, his not performing it might simply be due to vacillation on his part, in which case it would hardly be appropriate to say that he deliberately omits to perform it. As a final example, Elazar Weinryb offers an analysis of the concept of refraining according to which the agent need not be able to perform the action in question but only believe that he can.²⁰ As argued above, however, it seems that it would have been incorrect to say, for instance, that Smith refrained from going to the victims' aid if he had unwittingly been secured to his chair. In addition, Weinryb makes no mention of intentionally performing an alternative action (or actions), but only (to put it a little roughly) of wanting not to perform the omitted action and believing that one can perform it, while in fact not performing it. But it is generally acknowledged that wanting to perform an action while performing it is not sufficient for performing it intentionally, and it likewise appears to be the case that wanting not to perform an action (even when one also believes that one can perform it), while in fact not performing it, is not sufficient for intentionally omitting to perform it. For instance, it seems that, whenever the agent in question satisfies Weinryb's conditions but also believes (falsely, of course) that he is, despite himself, performing the action, he will not be refraining from performing it.

Still more accounts of omission and intentional omission are to be found in the literature,²¹ but it is time now to consider objections to (O') and (IO'); for, even though (O') and (IO') apparently avoid the problems that afflict the accounts just mentioned, they are not without apparent problems of their own. Other than objections already considered, the most obvious and probably the most telling objection is that the analyses provided in (O') and (IO') are given by means of appealing to concepts which are themselves obscure and deserving of analysis. I do not deny this. The concepts of belief, intention, doing, intentional doing, and 'can' all deserve analysis in their own right. So, if it is true at all that the foregoing dispels some of the mystery from omissions, this is true only

in so far as it has been shown how the concepts of omission and intentional omission are related to other concepts, concepts which are themselves somewhat mysterious. Nevertheless, partial clarification is surely achieved thereby, and so I consider this a step in the right direction.

It might be objected that it is in fact possible to do something while omitting to do it and that, since (0') and (10') both rule this out, they are defective. To support this objection the following case might be given.²² Brown is a professional assassin. He is also cautious. He always has a back-up plan in order to make doubly sure that his intended victim will die. On a certain day Brown's intended victim is Jones. As part of his back-up plan, Brown places a bomb in Jones's car, and then waits in the shadows, gun in hand, for Jones to appear. Jones appears; Brown raises his gun, but then lowers it, curious whether or not the new type of plastic explosive he affixed to Jones's car is efficacious. He discovers that it is. Now, Brown has killed Jones (the car blew up), but it seems that he has also omitted to kill Jones (he lowered his gun, but had he shot at Jones he would have killed him). Does this show the foregoing analysis to be defective? The answer is that it does not, for two reasons. First, there is the question of time. Even if S omits at *t* to do a at *t'*, this is compatible with his doing a at some time other than *t'*. Secondly, there is the question of exactly what action a is. Suppose that, had Brown shot Jones, he would have done so at exactly the same time as the car exploded. Then there would have been no time differential with respect to what Brown did and what he omitted to do. One thing he did was to kill Jones—at *t'*, say; it follows from (0') that there is no time *t* such that he omitted at *t* to kill Jones at *t'*. But this is perfectly compatible with his omitting at *t* to shoot Jones at *t'*; it is also compatible with his omitting at *t* to kill Jones by shooting him at *t'*; and so on.

Finally, it might be objected that (0') and (10') are not much help in determining why omissions are often thought to have such great moral and legal significance. But this seems to me an inappropriate objection for three main reasons. First, there is some help to be found in clause (i) of (0') and clause (i) of (10'): the agent can do otherwise, and this is often an indication that moral and legal responsibility is properly ascribable to the agent. I say 'indication' only, since being able to do otherwise is clearly not sufficient for being morally or legally responsible for what one does in fact do; indeed, as Harry Frankfurt persuasively argues, it may not even be necessary.²³ Of course, if Frankfurt is right, the question arises as to whether one may be morally or legally responsible for a not-doing which is not an omission. I suspect that one may; but this is an issue that cannot be done justice here.

Secondly, and more importantly, it is wrong to demand of an analysis that it be of significant help in resolving problems in areas where it is thought that the concept analyzed is applicable. Although one might hope for more, all that one should demand of an analysis is that it be accurate. I believe that (0') and (10') satisfy this condition. By way of comparison, I should point out that no even close-to-adequate analysis of the concept of action of which I am aware is of much help in affording comprehension of how it is that one might be morally or legally responsible for one's actions and their consequences. In this connection, it is also worth noting that some philosophers²⁴ have claimed that one's moral responsibility for the harm one omits to prevent must be accounted for (if at all) in a fashion radically different from that in which one's moral responsibility for the harm one causes is accounted for, and they base this claim on the contention that omissions cannot have consequences. But while it may be true that omissions cannot have causal consequences (and even this is far from clear), it is surely false to say that they cannot have consequences of any sort; moreover, it is not at all clear that the consequences that omissions may have are not of that sort which is pertinent to the ascription of moral responsibility (and, perhaps, of which causal consequences are also instances).²⁵

Lastly, it should be noted that the hope that some philosophers have vested in an analysis of the concept of omission in terms of its providing the means for resolving such matters as killing versus letting die, Good Samaritanism, and so forth, has been based on the false contention that letting something happen is obviously identical with, or to be especially closely allied with, (intentionally) omitting to prevent its happening. Compare the following two cases involving what have come to be called active and passive euthanasia. In the first case, doctor A, for purposes of euthanasia, injects his patient with a lethal solution; doctor B witnesses this; also, doctor B could administer an antidote within ten seconds of the injection and save the patient, but does not; and

so the patient dies. In the second case, doctor C, for purposes of euthanasia, pulls the plug on his patient's respirator; doctor D witnesses this; also, doctor D could replace the plug within ten seconds of its being pulled and save the patient, but does not; and so the patient dies. It seems clear from the descriptions of these two cases that what doctor A does is very similar in relevant respects to what doctor C does, while what doctor B does (or does not do) is very similar in relevant respects to what doctor D does (or does not do). It seems, too, appropriate to say that doctors B and D let their respective patients die. But pulling the plug is a commonly cited example of what has come to be called passive euthanasia, and the distinction between active and passive euthanasia is supposed to consist in, or partly in, the distinction between killing and letting die. So, if doctor C commits passive euthanasia, he lets his patient die, even though what he does seems very close in relevant respects to what doctor A does, who surely kills his patient closer, in fact, to what doctor A does than to what either doctor B or doctor D does (or does not do). Of course, 'relevant' is a catch-word that needs to be elucidated, and my intention here is not to deny that doctor B lets his patient die; for determining the truth of this claim must await clarification of the notion of dying from natural causes'. My point is only that letting die has no clear connection with (intentional) omission.²⁶ Of course, it is true that doctors B and D omit to save their respective patients, but it is also true that doctors A and C omit to keep their respective patients alive. So, once again, the point can be made that not only is the connection between omitting and letting happen not clear, but in addition the correct attribution of phrases of the form 'does a' and 'omits to do b' to persons is not in itself a clear indication of how responsibility for a state of affairs is to be allocated.

The question still remains, however: what are acts of omission? If (O') is correct, it is possible for someone to omit to do something and yet not act. In such a case, it is clear that there is an omission but no act or action. Hence, it is quite misleading to talk of omissions in general as 'negative actions' or 'active nondoings' which are 'committed'. On the other hand, it is true that omissions are in fact often accompanied by actions—it is perhaps the case that they in fact always are so accompanied, although I doubt this—and it is true that we often accept that a person omitted to do something by doing, or because he did, or in virtue of doing, something else. In such cases as this, we may, I think, legitimately talk of acts of omission. But, if we do, are we thereby committed to saying that some omissions, at least, are actions? Not necessarily. If we adopt a 'coarsely-grained' ontology of events or states of affairs, we may perhaps accept that one and the same event or state of affairs is an act or action 'under one description' and an omission 'under another description'. But if we adopt a 'finely-grained' ontology of events and states of affairs, an identification of omissions and acts or actions will presumably be ruled out, even in those cases where we omit to do something by doing something else. Rather, omissions will be seen to be complex states of affairs consisting (at least) of a person's being able (in the sense of 'can' specified earlier) to do something and his not doing it. Intentional omissions will be seen to be even more complex, that is, to be states of affairs consisting (at least) of a person's being able to do each of at least two incompatible things, his believing this, his intending not to do one of them, and his intentionally doing the other or others. But even on such an ontology as this, we may—as indicated—still legitimately speak of acts of omission. For intentional omissions will still be seen as necessarily having actions as a part (see clause (iv) of (IO')), and many unintentional omissions are clearly intimately connected—by the 'by'-relation and other relations to actions, and so in both cases it appears appropriate—whatever ontology one adopts to speak of the actions in question as acts of omission.²⁷

NOTES

¹ E.g., Judith Jarvis Thomson, *Acts and Other Events* (Ithaca: Cornell University Press, 1977), p. 212ff.

² Some may find the phrase form *S* (intentionally) omits to do *a*' awkward, despite its being grammatically proper. If they wish, they may substitute '*S* (intentionally) omits doing *a*' for it.

³ John Kleinig, "Good Samaritanism," *Philosophy and Public Affairs*, 5 (1976), p. 393.

⁴ Arthur Danto, "Freedom and Forbearance," in Keith Lehrer, ed., *Freedom and Determinism* (New York: Random House, Inc., 1966), p. 51.

⁵ See Myles Brand, "The Language of Not Doing," *American Philosophical Quarterly*, 8 (1971), p. 46.

⁶ See Douglas Walton, "Omitting, Refraining and Letting Happen," *American Philosophical Quarterly*, 17 (1980), p. 321.

⁷ E.g., Alvin I. Goldman, *A Theory of Human Action* (Princeton: Princeton University Press, 1976).

⁸ The reason I take knowledge of what one can do not to be necessary for intentional omission is simply that it seems to me that, if the case under discussion were complicated so that it was apparent that Smith was *not justified* in believing that he could go to the victims' aid but (correctly) believed this nevertheless, we would not retract the ascription of an intentional omission to him. If this is correct, and if—as I assume—justified belief is necessary for knowledge, then knowledge of what one can do is not necessary for intentional omission.

⁹ I assume here that Smith's remaining seated is an action of his, even though it may involve no change. This is perhaps controversial, although it seems to me that such actions occur frequently. (Consider a sentry's standing stiffly to attention for hours on end.) Defense of this claim would require considerable digression, however, and I cannot provide it here. If the claim is false, then, given that it seems nevertheless correct to say that Smith intentionally omitted to go to the victims' aid, the analysis of the concept of intentional omission given below requires modification. (In effect, clause (iv) of (10) would have to read: *either S intentionally does b at t or . . .* Just how this should be completed is not clear to me. Clause (iv) of (10') would require similar modification.)

¹⁰ There is a danger that the Smith case has features which appear to warrant this analysis while other cases of intentional omission lack these features. This is a danger which the reader can dispel by concocting cases of his or her own. When this is done, it will, I think, be found that the proposed analysis of the concept of intentional omission is confirmed rather than disconfirmed.

¹¹ This is of course a popular characterization of the concept. See, e.g., P. H. Nowell-Smith, "Ifs and Cans," *Theoria*, 26 (1960).

¹² It has been suggested by a referee that what I say here concerning my omission to sunbathe in the Bahamas is unintuitive—for instance, given certain assumptions, I am committed by (0') to saying that I am now omitting to sunbathe in the Bahamas thirty years hence—and that this unintuitiveness may be eliminated by noting that we really only use 'omit' timelessly and, thus, that it should not receive a specific time index in my analysis. On the strength of this observation it has been suggested that (0') be replaced by the following:

(0'') S omits to do *a* at *t* if and only if there is a time *t'* such that:

(i) S can at *t'* do *a* at *t*; and

(ii) S does not do *a* at *t*.

This approach appears misguided to me. While I acknowledge that we commonly do not explicitly ascribe times to omissions in our everyday speech, such ascription does seem implicit to me. At least, I take it that, by not explicitly making such ascription, we are certainly *not* implicitly endorsing the claim that there is no time at which omissions take place. For such a claim would be most bizarre. Personally, I fail to understand the claim that it is possible for there to be a subject *S* and a predicate *P* such that (i) *S* satisfies *P* but (ii) there is no time at which *S* satisfies *P*. Some do indeed profess to understand this claim where 'God' is substituted for '*S*'; but, even if we allow for this, it does not affect the point that, if we ascribe an intentional omission to a mere mortal, we must acknowledge that the omission occurs at some time or other. Moreover, even if all of this is overlooked, it is apparent that, according to (0'') *also*, I am omitting (or, at least, I 'timelessly' omit) to sunbathe in the Bahamas thirty years hence; for (let us assume) I shall not sunbathe there thirty years hence, but I can now sunbathe there then. Thus, if (0') has unintuitive implications in this respect, (0'') does also. But, of course, I deny that these implications are unintuitive, although, naturally, I do acknowledge that we do not commonly pay

much attention to such an omission as that just discussed—other omissions are far more interesting, for a variety of reasons.

¹³ Eric D'Arcy, *Human Acts: An Essay in Their Moral Evaluation* (Oxford: at the Clarendon Press, 1963), p. 41.

¹⁴ Michael Gorr, "Omissions," in *Tulane Studies in Philosophy: Studies in Action Theory*, Volume 28 (New Orleans: Tulane University Press, 1979) p. 97. Georg Henrik von Wright, in *Norm and Action: A Logical Enquiry* (London: Routledge and Kegan Paul, 1963), p. 45, provides an analysis of the concept of forbearing which is superficially quite similar to (0'). The discussion and use of that concept that follow, however, differ markedly in certain respects from the remarks that I make concerning omissions.

¹⁵ Brand, *op. cit.*, p. 49.

¹⁶ Walton, *op. cit.*, p. 322.

¹⁷ O. H. Green, "Refraining and Responsibility," in *Tulane Studies in Philosophy: Studies in Action Theory*, Volume 28 (New Orleans: Tulane University Press, 1979), p. 107.

¹⁸ Gorr, *op. cit.*, p. 97.

¹⁹ Roderick Chisholm, *Person and Object* (La Salle: Open Court Publishing Company, 1976), p. 73.

Elazar Weinryb, "Omissions and Responsibility," *The Philosophical Quarterly*, 30 (1980), pp. 7-8.

²¹ In "Refraining," *Philosophical Studies*, 36 (1979), p. 420, *e.g.*, Robert Moore offers an analysis of the concept of refraining which both resembles and differs from (10') in ways too complex and numerous to be discussed here.

²² This case is liberally adapted from Chisholm, *op. cit.*, pp. 83-4.

²³ Harry Frankfurt, "Alternate Possibilities and Moral Responsibility," *The Journal of Philosophy*, 66 (1969), pp. 829-839.

²⁴ *E.g.*, Weinryb, *op. cit.*, p. 10.

²⁵ This issue is also discussed by Gorr, *op. cit.*, pp. 100-2; Eric Mack, "Bad Samaritanism and the Causation of Harm," *Philosophy and Public Affairs*, 9 (1980), pp. 230-259; and Douglas N. Husak, "Causation, Omissions and Liability," *The Philosophical Quarterly*, 30 (1980), pp. 318-326.

²⁶ Walton, *op. cit.*, pp. 322-3, makes the point that not every omission is a letting- happen. My point here is that not every letting-happen is an omission. In "Killing, Letting Die and Euthanasia," *Journal of Medical Ethics*, 5 (1979), pp. 200-2, Douglas N. Husak contends that the distinction between killing and letting die is properly made only on the basis of a prior moral assessment of the action (or inaction) in question. If this is true, and given that (0') and (10') do not include any clauses concerning moral assessment, there would again seem to be no clear connection to be drawn between omitting and letting happen.

²⁷ An earlier version of this paper was read at the Fall, 1979, meeting of the New Jersey Regional Philosophical Association. I gratefully acknowledge the numerous comments made by various persons attending the reading. Helpful criticism has also been provided by Douglas N. Husak, Sarah Stebbins, and a referee of this journal.